

FILED

MAY 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE LANDA-PALAFIX,

Defendant - Appellant.

No. 05-30099

D.C. No. CR-02-02099-RHW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Robert H. Whaley, US District Judge, Presiding

Submitted May 15, 2006^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Jorge Landa-Palafix appeals from the 145-month sentence imposed pursuant to his guilty-plea conviction for two counts of distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

pursuant to 28 U.S.C. § 1291, and we affirm.

The district court did not clearly err in denying Landa-Palafox a downward adjustment for being a minor participant. *See United States v. Cantrell*, 433 F.3d 1269, 1282-83 (9th Cir. 2006). Further, because Landa-Palafox had more than one criminal history point, the district court properly found him ineligible for application of the safety-valve. *See* 18 U.S.C. § 3553(f)(1); *United States v. Mulloy*, 3 F.3d 1337, 1339-40 (9th Cir. 1993). Finally, we conclude that the district court applied a reasonable sentence. *See United States v. Plouffe*, 436 F.3d 1062, 1063 (9th Cir. 2006).

AFFIRMED.